

Article - Health Occupations

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§13–316.

Subject to the hearing provisions of § 13–317 of this subtitle, the Board may deny a license or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee, or holder:

(1) Fraudulently or deceptively obtains or attempts to obtain a license or restricted license for the applicant, licensee, or holder or for another;

(2) Fraudulently or deceptively uses a license or restricted license;

(3) Unless specifically licensed with respect to the treatment, treats or attempts to treat a health condition of a patient or client by means other than physical therapy;

(4) In the case of an individual who is authorized to practice physical therapy, is grossly negligent:

(i) In the practice of physical therapy;

(ii) In the direction of an individual who is authorized to practice limited physical therapy; or

(iii) In the supervision of a physical therapy aide or holder of a temporary license;

(5) In the case of an individual who is authorized to practice limited physical therapy:

(i) Practices limited physical therapy other than as authorized by this title; or

(ii) Is grossly negligent while practicing limited physical therapy;

(6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

- (7) Is convicted of a violation of a narcotic law;
- (8) To an extent that impairs professional competence, habitually uses any:
 - (i) Drug; or
 - (ii) Alcoholic beverage;
- (9) Pays or agrees to pay any sum to any person for bringing or referring a patient;
- (10) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (11) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;
- (12) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (13) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (14) Submits a false statement to collect a fee;
- (15) Violates any provision of this title or rule or regulation adopted by the Board;
- (16) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (17) Is professionally, physically, or mentally incompetent;
- (18) Promotes the sale of devices, appliances, or goods to a patient or client so as to exploit the patient or client for financial gain;
- (19) Commits an act of unprofessional conduct in the practice of physical therapy or limited physical therapy;

- (20) Grossly overutilizes health care services;
- (21) Is convicted under insurance fraud as defined in § 27–801 of the Insurance Article;
- (22) Refuses, withholds from, denies, or discriminates against a patient or client with regard to the provision of professional services for which the licensee is licensed and qualified to render because the patient or client is HIV positive;
- (23) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (24) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board;
- (25) Fails to meet accepted standards in delivering physical therapy or limited physical therapy care;
- (26) Fails to submit to a criminal history records check in accordance with § 13–302.1 of this subtitle; or
- (27) In the case of an individual who holds a temporary license to practice physical therapy or limited physical therapy, practices physical therapy or limited physical therapy without direct supervision.

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